

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*<sup>1</sup>

Debtors.

Chapter 7

Case No. 23-10253 (KBO)

(Jointly Administered)

Re D.I. 106, 137

**NOTICE OF ADEQUATE ASSURANCE OF FUTURE PERFORMANCE**

PLEASE TAKE NOTICE OF THE FOLLOWING:

1. On April 28, 2023, the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) entered an *Order Granting Trustee’s Motion for Entry of an Order (A) Approving Bidding Procedures in Connection With Sale of Substantially All of the Estates’ Assets, (B) Scheduling an Auction and Hearing to Consider the Proposed Sale and (C) Approving the Form and Manner of Notice Thereof* [D.I. 137] (the “Bidding Procedures Order”),<sup>2</sup> which, among other things, established bidding procedures (the “Bidding Procedures”) that govern the manner in which certain assets of the above-captioned debtors (the “Debtors”) are to be sold.

2. On May 10 through 12, 2023, the Trustee conducted the Auction, following which the Trustee named several Successful Bidders and Alternate Bidders for certain of the Debtors’ assets (the “Purchased Assets”). A hearing to approve the sale is scheduled before the Honorable Karen B. Owens, United States Bankruptcy Court, 824 Market Street, 6<sup>th</sup> Floor, Courtroom No. 3, Wilmington, DE 19801 on May 30, 2023 at 11:00 a.m. (ET) (the “Sale Hearing”).

3. You have been identified as a counterparty to one or more Executory Contracts or Unexpired Leases (the “Contract(s)” or the “Lease(s)”) that one or more Successful Bidders have listed in their Purchase Agreements as among the Purchased Assets that they are purchasing, subject to Bankruptcy Court approval, and which the Trustee will seek to assume and assign to the Successful Bidder(s) at the Sale Hearing.

4. In accordance with the Bidding Procedures, the Trustee provides this Notice: (i) identifying the Contract(s) or Lease(s) and identifying the Successful Bidder applicable to each; (ii) attaching the Notice of Successful and Alternate Bidders; (iii) attaching information about each applicable Successful Bidder’s ability to perform future obligations under the Contract(s) or

<sup>1</sup> The Debtors in these chapter 7 cases, along with the last four digits of their federal tax identification numbers, and cases numbers are Akorn Holding Company LLC (9190), Case No. 23-10253 (KBO); Akorn Intermediate Company LLC (6123), Case No. 23-10254 (KBO); and Akorn Operating Company LLC (6184), Case No. 23- 10255. The Debtors’ headquarters is located at 5605 CenterPoint Court, Gurnee, IL 60031.

<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings as used in the Bidding Procedures Order.

Lease(s); and (iv) providing contact information for counsel for the applicable Successful Bidder and counsel for the Trustee.

5. In the event you as a counterparty have an objection based on 11 U.S.C. Section 365(f)(2) to the assignment of the Contract or Lease to the Successful Bidder(s) as identified on the attached Exhibit A, the Bidding Procedures Order provides that any such objection may be made at or prior to the Sale Hearing.

6. This Notice attaches the following:

<b><u>EXHIBIT</u></b>	<b><u>DESCRIPTION</u></b>
Exhibit A	Identification of the Contract(s) and/or Lease(s) and the Successful Bidder to which the Trustee proposes to assign each Contract or Lease, and contact information for counsel for each applicable Successful Bidder. <sup>3</sup>
Exhibit B	Notice of Successful and Alternate Bidders.
Exhibit C	Evidence of each applicable Successful Bidder's ability to perform future obligations under the Contract(s) or Lease(s).

Dated: May 23, 2023

COZEN O'CONNOR

/s/ John T. Carroll, III  
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<sup>3</sup> In some instances, two Successful Bidders requested assignment of a particular Contract or Lease. For each such Contract or Lease, Exhibit A identifies both Successful Bidders requesting assignment, and Exhibit C provides evidence of both Successful Bidders' ability to perform future obligations under such Contract or Lease. All such Contracts and Leases will only be assigned to one of the two identified Successful Bidders.